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2200 PNC CENTER 201 E. FIFTH STREET CINCINNATI, OH 45202			ARAQUE JR, GERARDO	
			ART UNIT	PAPER NUMBER
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			05/14/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)		
	09/909,250	MANCISIDOR ET AL.		
Office Action Summary	Examiner	Art Unit		
	Gerardo Araque Jr.	3689		
The MAILING DATE of this communication ap Period for Reply	ppears on the cover sheet with the c	correspondence address		
A SHORTENED STATUTORY PERIOD FOR REPUBLICHEVER IS LONGER, FROM THE MAILING IF Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory perior. Failure to reply within the set or extended period for reply will, by statu Any reply received by the Office later than three months after the mail earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATION 1.136(a). In no event, however, may a reply be tind d will apply and will expire SIX (6) MONTHS from the, cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).		
Status				
Responsive to communication(s) filed on 22. This action is FINAL . 2b) ☐ Th Since this application is in condition for allow closed in accordance with the practice under	is action is non-final. ance except for formal matters, pro			
Disposition of Claims				
4) Claim(s) 1-8,41-46,51 and 66-82 is/are pendidal 4a) Of the above claim(s) is/are withdrest 5) Claim(s) is/are allowed. 6) Claim(s) 1-8,41-46,51 and 66-82 is/are reject 7) Claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/	awn from consideration.			
 9) The specification is objected to by the Examir 10) The drawing(s) filed on is/are: a) ac Applicant may not request that any objection to the Replacement drawing sheet(s) including the corre 11) The oath or declaration is objected to by the E 	ccepted or b) objected to by the le drawing(s) be held in abeyance. See ection is required if the drawing(s) is objection	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).		
Priority under 35 U.S.C. § 119				
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 				
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 3/28/08.	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal F 6) Other:	ate		

Art Unit: 3689

DETAILED ACTION

Specification

1. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 3. Claims 1 8, 41 46, 51, and 66 82 are rejected under 35 U.S.C. 102(e) as being anticipated by McCann et al. (US Patent 5,963,939).
- 4. In regards to **claim 1**, **McCann** discloses a method for recommending a product using a computer implemented expert system, the method comprising:

utilizing the expert system to determine problem domain information via interaction between a live human agent and a customer (Col. 1 Lines 26 - 29; Col. 2 Lines 36 - 52);

utilizing the expert system to determine need information of the customer via interaction between the live human agent and the customer, wherein the need

Art Unit: 3689

information relates to telecommunication needs of the customer (Col. 1 Lines 26 - 29; Col. 2 Lines 36 - 38, 55 - 59; Col. 3 Lines 1 - 4);

Page 3

inputting the customer need information into the expert system, wherein the act of inputting the customer need information into the expert system is performed by the live human agent (Col. 3 Lines 1 - 4, 30 - 34);

transforming the customer need information into a trait, the trait being characteristic of a telecommunications product of relevance to the customer, the telecommunications product of relevance being selected from a plurality of available telecommunications products (Col. 3 Lines 39 – 46);

calculating a rating of at least three telecommunications product within the plurality of available telecommunications products, wherein the act of calculating the rating is performed by the expert system (Col. 4 Lines 24 – 30; see also at least Fig. 51 wherein multiple product, each having a particular rating, are presented to the user); and

presenting an output comprising a recommended solution, a compatible solution, and a not recommended solution, wherein each of said recommended solution, said compatible solution and said not recommended solution are alternative solutions selected from the plurality of available telecommunications products by the expert system, and wherein said output is generated by said expert system (Col. 3 Lines 18 – 22; Col. 4 Lines 24 – 33).

For the purposes of this examination, the Examiner considers recommended solution, compatible solution, and not recommended solution as non-functional

descriptive limitations. As far as the Examiner is concerned nothing has been done with the solutions. That is to say, the solutions are only being presented to the user and are not further used in the claim and, as a result, are descriptive in nature. The Examiner asserts that McCann presents the user with products and services, networking configuration, and other solution attributes that perhaps the VAR or end user might not have considered, i.e. McCann provides several other solutions to the user (Col. 3 Lines 18 - 22).

Page 4

Furthermore, McCann discloses that although 1 recommended solution is displayed to the user the expert system also presents the user with other compatible solutions. That is to say, the user is presented with the incremental editor which allows a user to substitute another product or slightly higher or lower rank for a product already defined as part of the solution (Col. 4 Lines 31 – 33). Looking at Fig. 51, for example, the user is able to click on the "+" and "-" buttons in order to navigate through the compatible products/solutions. Consequently, the user is, indeed, presented with compatible solutions.

Regarding the not recommended solution, the Examiner asserts that McCann accomplishes this in two ways. The first being that any solution that was not initially presented to the user in Fig. 51 is a "not recommended solution." That is to say, the compatible solutions are also considered as not recommended solutions in that a compatible solution is not the recommended solution that the system initially provided to the user. Second, the user also has access to all available products that the system may provide. As a result, any solution that has not been presented to the user through

Art Unit: 3689

at least the incremental editor is considered a "not recommended solution" and although the not recommended solution has not been displayed the user still can be presented with the not recommended solutions by just navigating through the expert system.

Finally, the user is also presented with the option to print out whatever is displayed on the screen (Fig. 51) and, consequently, all solutions can be printed out in a paper format. For example, a user who prefers to have everything in writing has the option to print out all the solutions that are being presented by the expert system through the use of the incremental editor and can have all the paper copies of each of the solutions presented to the user at the same time. As a result, **McCann** has presented another alternative to how the solutions are to be presented.

- 5. In regards to **claim 2**, **McCann** discloses wherein utilizing the expert system to determine the need information of the customer comprises asking questions provided by the expert system and inputting the customer need information into the expert system via a graphical user interface serviced by an agent computer (**Col. 3 Lines 37 46**).
- 6. In regards to **claim 3**, **McCann** discloses summarizing the ratings of the plurality of telecommunications products (**Col. 11 12 Lines 66 6**; **Col. 12 Lines 25 38**); and

providing explanation of the ratings of the plurality of available telecommunications products (Col. 11 - 12 Lines 66 - 6).

Art Unit: 3689

7. In regards to **claim 4**, **McCann** discloses wherein the summary of the ratings of the plurality of available telecommunications products comprises at least one of the recommended solution, the compatible solution, and the not recommended solution (**Col. 3 Lines 18 – 22**).

- 8. In regards to **claim 5**, **McCann** discloses wherein the plurality of available telecommunications products comprises a service **(Col. 3 Lines 30 34)**.
- 9. In regards to **claim 6**, **McCann** discloses further comprising communicating the rating from the live human agent to the customer and wherein the calculating the rating of the at least three telecommunications product within the plurality of available telecommunications products is performed in real time (Col. 1 Lines 26 29; Col. 3 Lines 34 39).
- 10. In regards to **claim 7**, **McCann** discloses wherein the expert system employs a fuzzy value in calculating the rating of the at least three telecommunications product **(Col. 2 Lines 48 52)**.
- 11. In regards to **claim 8**, **McCann** discloses wherein the expert system employs a crisp value in calculating the rating of the at least three telecommunications product (Col. 4 Lines 25 30).
- 12. In regards to **claim 41**, **McCann** discloses an expert system that is operable for recommending a product, the expert system comprising:
 - a computer network (Figure 1);

a live human agent interface, communicatively coupled to the computer network, comprising a graphical user interface (Figure 45);

Art Unit: 3689

a product database communicatively coupled to the computer network that contains a plurality of available telecommunications products, the product database being communicatively coupled to a plurality of providers of the plurality of available telecommunications products thereby allowing updating of the product database in real time (Col. 2 Lines 64 – 67; Col. 20 Lines 23 – 25); and

an expert system, communicatively coupled to the computer network, that is operable to rate at least two available telecommunications products within the plurality of available telecommunications products using dynamic calculation and based on a customer need (Col. 3 Lines 10 – 22; Col. 15 lines 42 – 45);

wherein the expert system comprises computer executable instructions which allow a live human agent to perform selection of an available telecommunications product from the product database based on the rating of the at least two available telecommunications product during an interaction with a customer (Col. 3 Lines 10 – 22; Col. 15 Lines 42 – 45);

wherein the expert system generates output comprising a recommended telecommunications solution and a compatible telecommunications solution and presents the output to the live human agent via the graphical user interface, each of the recommended telecommunications solution and a compatible telecommunications solution being an alternative solution selected from the plurality of available telecommunications products within the product database, the recommended telecommunications solution (Col. 4 Lines 24 – 30; Figure 50; Figure 51); and

Art Unit: 3689

wherein the recommended telecommunications solution and the compatible telecommunications solution are communicated to the customer in real time after the expert system generates the output (Col. 3 Lines 30 – 34).

- 13. In regards to **claim 42**, **McCann** discloses wherein at least one of the recommended solution and the compatible solution comprises at least one of a data network solution and an Internet access solution (**Figure 50**).
- 14. In regards to **claim 43**, **McCann** discloses wherein the output further comprises an explanation for why the recommended solution was selected by the expert system (Col. 3 Lines 10 22).
- 15. In regards to **claim 44**, **McCann** discloses wherein the expert system employs at least one of a dedicated Internet access guidance engine and a data network guidance engine to rate the at least two available products within the plurality of available products (Col. 2 Lines 59 63; Col. 3 Lines 10 22; Col. 4 Lines 20 30; Col. 15 Lines 42 45; Col. 20 Lines 23 25).
- 16. In regards to **claim 45**, **McCann** discloses wherein the graphical user interface is operable to present information concerning at least one of the available products within the plurality of available products to the live human agent (**Figure 50**).
- 17. In regards to **claim 46**, **McCann** discloses a plurality of software instructions stored on a media that, upon execution by a processing circuitry, are operable to recommend a product by using an expert system, comprising:

a set of instruction executed by the processing circuitry that determines problem domain information during an interaction between a live human agent and a customer,

Art Unit: 3689

wherein the problem domain relates to a telecommunications network configuration (Col. 1 Lines 26 – 29; Col. 2 Lines 36 – 38);

a set of instruction executed by the processing circuitry that determines need information of the customer during the interaction between the live human agent and the customer, wherein the need information relates to a telecommunications network configuration (Col. 1 Lines 26 – 29;; Col. 2 Lines 36 – 38, 55 – 59; Col. 3 Lines 1 – 4);

a set of instruction executed by the processing circuitry that inputs the customer need information into the expert system (Col. 3 Lines 1-4);

a set of instruction executed by the processing circuitry that transforms the customer need information into a trait, the trait being characteristic of a product of relevance to the customer as determined using expert system processing that is performed by the expert system, the product of relevance being selected from a plurality of available products (Col. 3 Lines 39 – 46);

a set of instruction executed by the processing circuitry that rates a product within the plurality of available products using the expert system, wherein the product comprises a telecommunications network configuration (Col. 4 Lines 24 – 30); and

a set of instructions executed by the processing circuitry that presents an output to the live human agent, said output comprising a recommended solution, and a not-recommended solution, wherein the recommended solution and the not-recommended solution comprise alternative products selected from the plurality of available products (Col. 3 Lines 18 - 22; Col. 4 Lines 24 - 33).

Art Unit: 3689

For the purposes of this examination, the Examiner considers recommended solution and not recommended solution as non-functional descriptive limitations. As far as the Examiner is concerned nothing has been done with the solutions. That is to say, the solutions are only being presented to the user and are not further used in the claim and, as a result, are descriptive in nature. The Examiner asserts that **McCann** presents the user with products and services, networking configuration, and other solution attributes that perhaps the VAR or end user might not have considered, i.e. **McCann** provides several other solutions to the user **(Col. 3 Lines 18 – 22)**.

Regarding the not recommended solution, the Examiner asserts that **McCann** accomplishes this in two ways. The first being that any solution that was not initially presented to the user in **Fig. 51** is a "not recommended solution." That is to say, the compatible solutions (as discussed above in claim 1) are also considered as not recommended solutions in that a compatible solution is not the recommended solution that the system initially provided to the user. Second, the user also has access to all available products that the system may provide. As a result, any solution that has not been presented to the user through <u>at least</u> the incremental editor is considered a "not recommended solution" and although the not recommended solution has not been displayed the user still can be presented with the not recommended solutions by just navigating through the expert system.

Finally, the user is also presented with the option to print out whatever is displayed on the screen (Fig. 51) and, consequently, all solutions can be printed out in a paper format. For example, a user who prefers to have everything in writing has the

Art Unit: 3689

option to print out all the solutions that are being presented by the expert system through the use of the incremental editor and can have all the paper copies of each of the solutions presented to the user at the same time. As a result, **McCann** has presented another alternative to how the solutions are to be presented.

18. In regards to **claim 51**, **McCann** discloses a plurality of software instructions stored on a media that, upon execution by a processing circuitry, are operable to recommend a telecommunications network configuration, comprising;

a set of instruction executed by the processing circuitry that performs expert system processing to rate at least two available products within a plurality of available products using dynamic calculation and based on a customer need, wherein the products comprise a telecommunications network configuration (Col. 3 Lines 1 - 22; Col. 15 Lines 42 - 45);

a set of instruction executed by the processing circuitry that enable a live human agent to respond to a communication of a customer need by accessing the functionality of the expert system processing via the graphical user interface to perform selection of an available product form the product database based on the rating of the at least two available products in real time during an interaction with a customer (Col. 3 Lines 1 – 22, 30 – 46; Col. 15 Lines 42 – 45);

a set of instruction executed by the processing circuitry that generates output comprising a recommended solution and a compatible solution and presents the output to the live human agent via the graphical user interface, each of the recommended solution and a compatible solution being an alternative solution selected from the

Art Unit: 3689

plurality of available products within the product database, the recommended solution having a rating that is higher than the rating of the compatible solution (Col. 3 Lines 18 – 22, 30 – 46; Col. 4 Lines 24 – 30); and

a set of instruction executed by the processing circuitry that prompts the live agent with the recommended solution comprising a network configuration and the compatible solution to be communicated to the customer in real time (Col. 3 Lines 30 – 46).

- 19. In regards to **claim 66**, **McCann** discloses wherein the plurality of available telecommunications products comprises a plurality of telecommunications network configurations (**Col. 3 Lines 1 22**).
- 20. In regards to **claim 67**, **McCann** discloses wherein the rated telecommunications product comprises a telecommunications network product comprises a telecommunications network configuration (**Col. 3 Lines 1 22**; **Figure 50**).
- 21. In regards to **claim 68**, **McCann** discloses a method of providing a network configuration solution to a customer, the method comprising:

utilizing an expert system to obtain information from a customer regarding product needs of the customer via interaction between a live human agent and the customer (Col. 1 Lines 26 – 29; Col. 2 Lines 36 – 38, 55 – 59; Col. 3 Lines 1 – 4);

presenting an interface allowing the live human agent to enter the information into a computer system, wherein the computer system comprises the expert system (Col. 3 Lines 1-4);

Art Unit: 3689

processing the information, wherein the act of processing is performed by the expert system within the computer system (Col. 3 Lines 39 - 46);

producing at least three product solutions, wherein the at least three product solutions are produced by the expert system within the computer system, wherein the act of producing at least three product solutions is performed in accordance with the entered and processed information, wherein said at least three product solutions comprise a recommended solution, a compatible solution, and a not recommended solution, and wherein said recommended solution, said compatible solution, and said not recommended solution comprise alternative solutions (Col. 3 Lines 1 – 22);

presenting the at least three product solution to the human agent, wherein the act of presenting that at least three product solution to the live human agent is performed by the computer system (Figure 50); and

presenting at least a portion of the at least three product solution produced by the expert system to the customer, wherein the act of presenting at least a portion of the at least one product solution to the customer is performed by the live human agent (Col. 3 Lines 30 - 34).

For the purposes of this examination, the Examiner considers recommended solution, compatible solution, and not recommended solution as non-functional descriptive limitations. As far as the Examiner is concerned nothing has been done with the solutions. That is to say, the solutions are only being presented to the user and are not further used in the claim and, as a result, are descriptive in nature. The Examiner asserts that **McCann** presents the user with products and services, networking

Art Unit: 3689

configuration, and other solution attributes that perhaps the VAR or end user might not have considered, i.e. **McCann** provides several other solutions to the user **(Col. 3 Lines 18 – 22)**.

Furthermore, **McCann** discloses that although 1 recommended solution is displayed to the user the expert system also presents the user with other compatible solutions. That is to say, the user is presented with the incremental editor which allows a user to substitute another product or slightly higher or lower rank for a product already defined as part of the solution (Col. 4 Lines 31 – 33). Looking at Fig. 51, for example, the user is able to click on the "+" and "-" buttons in order to navigate through the compatible products/solutions. Consequently, the user is, indeed, presented with compatible solutions.

Regarding the not recommended solution, the Examiner asserts that **McCann** accomplishes this in two ways. The first being that any solution that was not initially presented to the user in **Fig. 51** is a "not recommended solution." That is to say, the compatible solutions are also considered as not recommended solutions in that a compatible solution is not the recommended solution that the system initially provided to the user. Second, the user also has access to all available products that the system may provide. As a result, any solution that has not been presented to the user through **at least** the incremental editor is considered a "not recommended solution" and although the not recommended solution has not been displayed the user still can be presented with the not recommended solutions by just navigating through the expert system.

Art Unit: 3689

Finally, the user is also presented with the option to print out whatever is displayed on the screen (Fig. 51) and, consequently, all solutions can be printed out in a paper format. For example, a user who prefers to have everything in writing has the option to print out all the solutions that are being presented by the expert system through the use of the incremental editor and can have all the paper copies of each of the solutions presented to the user at the same time. As a result, **McCann** has presented another alternative to how the solutions are to be presented.

- 22. In regards to **claim 69**, **McCann** discloses wherein the act of processing comprises using fuzzy logic to product at least on product solution **(Col. 2 Lines 48 52)**.
- 23. In regards to **claim 70**, **McCann** discloses wherein the act of processing comprises using heuristics to product at least one product solution **(Col. 2 Lines 48 52)**.
- 24. In regards to **claim 71**, **McCann** discloses further comprising presenting a plurality of product solutions to the customer (**Col. 3 Lines 1 22**).
- 25. In regards to **claim 72**, **McCann** discloses wherein each product solution of the plurality of product solutions is qualified by a ranking selected from a plurality of rankings (**Col. 4 Lines 24 30**).
- 26. In regards to **claim 73**, **McCann** discloses wherein the plurality of rankings comprise recommended, compatible, and not recommended (**Col. 3 Lines 18 22**).

Art Unit: 3689

27. In regards to **claim 74**, **McCann** discloses further comprising providing a script to the live human agent, wherein the act of providing a script is performed by the expert system via the computer system (**Col. 3 Lines 30 – 46**).

- 28. In regards to **claim 75**, **McCann** discloses wherein the provided script relates to the act of obtaining information from the customer **(Col. 3 Lines 30 46)**.
- 29. In regards to **claim 76**, **McCann** discloses wherein the script comprises one ore more questions for the live human agent to ask the customer **(Col. 3 Lines 30 46)**.
- 30. In regards to **claim 77**, **McCann** discloses wherein the customer has no direct interaction with the expert system (Col. 3 Lines 1 7).
- 31. In regards to claim 78, McCann discloses wherein the needs of the customer comprise telecommunications needs (Col. 3 Lines 1 22).
- 32. In regards to **claim 79**, **McCann** discloses wherein the at least three product solutions comprises a telecommunications network configuration solution (**Col. 3 Lines** 30 46).
- 33. In regards to claim 80, McCann discloses wherein at least a portion of the needs of the customer are represented as data points (Col. 3 Lines 39 46; Col. 6 Lines 37 47; Col. 11 Lines 24 42; Col. 12 Lines 34 38; Col. 15 Lines 42 45; Col. 35 36 Lines 65 4).
- 34. In regards to **claim 81**, **McCann** discloses wherein that at least a portion of the needs of the customer are represented as data points by the live human agents during the act of entering the information into the computer system (Col. 3 Lines 39 46; Col.

Art Unit: 3689

6 Lines 37 – 47; Col. 11 Lines 24 – 42; Col. 12 Lines 34 – 38; Col. 15 Lines 42 – 45; Col. 35 – 36 Lines 65 – 4).

35. In regards to **claim 82**, **McCann** discloses wherein the at least a portion of the needs of the customer are represented as data points by the expert system during the act of processing the information (Col. 3 Lines 39 – 46; Col. 6 Lines 37 – 47; Col. 11 Lines 24 – 42; Col. 12 Lines 34 – 38; Col. 15 Lines 42 – 45; Col. 35 – 36 Lines 65 – 4).

Response to Arguments

36. Applicant's arguments filed **1/22/08** have been fully considered but they are not persuasive.

Rejection under 35 USC 102(e)

- 37. Regarding applicant's arguments directed to **McCann** failing to disclose "providing output comprising multiple alternative solutions" or solutions the Examiner has provided a detail explanation in the rejection above.
- 38. All rejections made towards the dependent claims are maintained due to the lack of a reply by the applicant in regards to distinctly and specifically point out the supposed errors in the examiner's action in the prior Office Action (37 CFR 1.111). The Examiner asserts that the applicant only argues that the dependent claims should be allowable because the independent claims are unobvious and unpatentable over **McCann (US Patent 5,963,939)**.

Art Unit: 3689

Conclusion

39. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerardo Araque Jr. whose telephone number is (571)272-3747. The examiner can normally be reached on Monday - Friday 8:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3689

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. A./ Examiner, Art Unit 3689 5/6/08

/Janice A. Mooneyham/ Supervisory Patent Examiner, Art Unit 3689